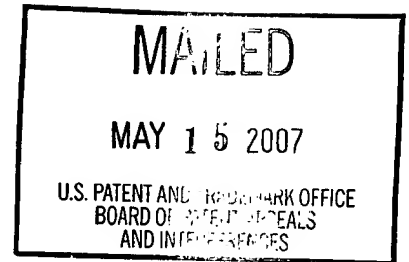


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAVID W. DEATON

Application 08/935,116
Technology Center 3600



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This Image File Wrapper (IFW) application was electronically received at the Board of Patent Appeals and Interferences on March 19, 2007. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

The Appellant filed an Information Disclosure Statement (IDS) pursuant to 37 C.F.R. § 1.56, § 1.97, and § 1.98 received by the USPTO on November 19, 1998. The Examiner has failed to initial or line through entry "AH," 5,237,496 issued to Kagami et al. (see the PTO-1449 form, p. 9). It is imperative that the Examiner consider all entries contained in the PTO-1449. *See the Manual of Patent Examining Procedure (MPEP)* § 609.05(b). Correction is required.

Also, the Appellant filed a Petition pursuant to 37 C.F.R. § 1.142 on April 28, 2006 requesting the withdrawal of the restriction requirement (mailed May 13, 2005). There is no indication on the written record that a response to the petition

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was ever made of record. For clarification, and before further prosecution can ensue at the Board, a response is deemed necessary.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- (1) to consider the reference entry "AH" contained on page 9, of the PTO-1449 form received November 19, 1998;
- (2) to acknowledge and properly respond to the Petition received April 28, 2006; have response made of record, and a copy mailed to Appellant; and
- (3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
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PJN/hh